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UNCLAS SECTION 01 OF 04 USOSCE 000227

SENSITIVE
SIPDIS

STATE FOR VCI/CCA, EUR/PRA, EUR/RPM, SCA/CEN
JCS FOR COL NORWOOD
OSD FOR ISA (PERENYI)
NSC FOR HAYES

E.O. 12958: N/A
TAGS: [PARM](#) [PREL](#) [OSCE](#)
SUBJECT: OPEN SKIES SEPTEMBER 23 PLENARY: RUSSIA CITES
SAFETY FOR RESTRICTIONS; ALT AIRFIELDS

REF: SECSTATE 100776

[1](#)1. (SBU) Summary. Russia confirmed it had lifted all restricted airspace associated with its conflict with Georgia while asserting that the restrictions were enacted in the first place strictly on the basis of flight safety. All affected States Parties, save Germany, strongly censured Russia, noting that its actions contravened provisions of Treaty. While Germany opined that airspace restrictions should not be allowed to obstruct observation missions, it welcomed Russia's explanation and concluded that the resulting cancellations could be characterized as "technical" in nature.

[1](#)2. (U) In addition, the U.S. confirmed the successful completion of the 500th observation flight in August. A U.S. proposed change to the decision on distribution of 2008 quotas was adopted. A revised draft decision on alternate airfields is expected before the next Informal Working Group on Rules and Procedures (IWGRP) and the Informal Working Group on Sensors (IWGS) expects to work into 2009. End summary.

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In Russia, Safety is Job One
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[1](#)3. (SBU) The fall 2008 session of the Open Skies Consultative Commission (OSCC) opened under the Chair of Belarus (Pavlov) on September 22. Russia (Kozlov) opened the session by attempting to explain why it decided in August to establish four temporary airspace restrictions over its territory. Kozlov claimed that Russia had taken its decision solely for the purposes of flight safety and strictly in response to the situation in the Caucasus. He noted that, for similar reasons, Georgia had appealed to States Parties to refrain from notifying inspections over the entire territory of Georgia. Kozlov lamented that while States Parties generally sympathized with Georgia's request, the same could not be said of Russia's notifications. In spite of its notices, countries insisted on flying over Russian territory that Russia considered a danger to aircraft and flight crews.

[1](#)4. (SBU) Kozlov reminded States Parties that Russia had not forbidden flights in these areas, but had only required that

flights in these areas stick to established routing. Kozlov explained that Russia simply could not accommodate all of the changes to one of the proposed flight plans within the Treaty-allotted time limit of eight hours.

15. (SBU) Kozlov said it was unfortunate that the states involved could not solve these issues and that Russia recognized that States Parties had expended significant resources on these missions. Kozlov then confirmed that Russia had lifted all restrictions on 15 September as notified in OS/RU/08/F35/0.

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Most Allies Don't Bite
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16. (SBU) Spain (Nunez) and Canada (Gosal), supported with an intervention by Norway, read national statements condemning Russian actions, which prevented the successful completion of their joint flight the first week in September. Nunez described how Russia rejected the team's flight plan because it infringed on restricted airspace designated as BP-690. Nunez and Gosal both noted in their statements that, when challenged over the flight route, the Russian escorts found a discrepancy on the Spanish aircraft's sensors and restricted their use under Article 8. Canada characterized Russia's actions as a "breach of its treaty responsibilities." Both underscored the importance of the Treaty and acknowledged Kozlov's statement confirming that Russia had now lifted the restrictions.

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17. (SBU) The U.S. (Neighbour) noted Russia's obstruction of joint U.S. flights with Poland in August and Germany in September, as well as the joint Spanish-Canadian-Norwegian in September. Neighbour characterized Russia's actions as compromising the Treaty's key principle of full territorial access. While acknowledging Kozlov's confirmation that BP-690 had been lifted, Neighbour underscored the position that such restrictions do not constitute a legitimate reason for refusal of an observation flight. Additionally, he called on all States Parties to fully implement the Treaty as intended.

18. (SBU) On the margins, the U.S. (Neighbour) told Kozlov that Russia's claim of flight safety simply had no credibility with its treaty partners. He cited the joint German-U.S. proposed flight, observing that the routing never came closer than 120 kilometers from the Russia-Georgia boarder and that it was proposed nearly a month after combat operations had ended. Kozlov acknowledge that the optics were off, but persisted that it would have been too dangerous to fly outside the established routing. Kozlov commented that there are a lot of Russia commanders in the area and Russia could not guaranteed that a deviation from established routing would have been distributed and observed by each one. Kozlov added that such restrictions would not be used in the future.

But Some Nibble

19. (SBU) Germany (Ratzlaff) responded by acknowledging that the joint German-U.S. flight fell victim to Russia's flight restrictions. Ratzlaff thanked Russia for its explanation and noted that, as it was not possible to come to an agreement over the routing within the allotted time frame, Germany reserved the right to reschedule the flight in the future. Ratzlaff said that it was the opinion of Germany that such restrictions should not be allowed to obstruct Open Skies flights. As such, Ratzlaff said that Germany is "particularly pleased" that Russia has removed the restrictions.

¶10. (SBU) France (Simonet) noted the seriousness of the comments made by prior speakers and was pleased that States Parties appeared to be working through the issue and returning to full implementation. France noted that this is especially important in the wake of the difficulties we are facing with other treaties.

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Did I play the Safety Card? Technical-Problem Card?
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¶11. (SBU) Responding to these interventions, Kozlov again stressed that Russia took the decision to establish these restrictions strictly as a matter of safety. He noted that the Treaty's preamble even mentions flight safety, and for that reason Russia decided to make safety priority one.

¶12. (SBU) After reporting on a number of observation flights and escort missions under Agenda item six, "Information on Observation Flights," Kozlov returned to circumstances surrounding the cancellations of Spanish-Norwegian-Canadian and German-U.S flights. He reasoned that, since Russia could not respond to the requested changes of flight routing within the time allotted under the treaty, the difficulties encountered were of a "technical" nature.

¶13. (SBU) Regarding Russia's restriction of sensors on the Spanish aircraft, Kozlov said that the discrepancies in the documentation had been noted during previous inspections and that Russia had reported them to the pod groups, but no action had been taken. Kozlov also noted that the Russian escorts had only restricted the use of three of the aircraft sensors.

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¶14. (SBU) Turning to the German-U.S. flight, Kozlov noted that Russia had notified all States Parties of its airspace restrictions well in advance. Despite this warning, the team presented a plan that deviated from established flight routes. As with the Spanish flight, there was no way in which Russia could accommodate all of the modifications necessary to affect a new flight plan within the allotted time.

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Germany Takes the Bait
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¶15. (SBU) After reporting on its observation activity, Germany, again noted with satisfaction that, at the end of the day, the flights were canceled due to technical issues and not because of major differences over treaty interpretation.

¶16. (SBU) Gosal reaffirmed Canada's position by acknowledging Russia's comments but refusing to accept Russia's explanation. In his last-ditch effort to rebut Canada's condemnation, Kozlov urged States Parties to consider the risk of ignoring flight safety factors, rather unconvincingly invoking an analogy of a pedestrian ignoring a broken crossing light.

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On a Brighter Note
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¶17. (U) As the outgoing Chair of the OSCC, the U.S. (Neighbour) confirmed the successful completion of the 500th Open Skies flight, which was completed on August 18, 2008. Neighbour once again thanked all States Parties both for their contributions in achieving this milestone and for their support in July at the commemoration ceremony.

¶18. (U) Revision four to Decision No. 7/07 on the Distribution of Active Quotas for Observation Flights in the

Year 2008 was adopted without comment and issued under
OSCC.DEC/6/08.

¶19. (U) Russia (Kozlov) as Chair of the IWGRP, reported on the status of the Alternate Airfield decision and surmised that the IWGRP could complete this decision during the fall session. The U.S. (Neighbour) read a statement from the Chair of the Sensor working group (U.S.--Simmons) distributed under OSCC.SEN/08/08. The statement noted that States Parties had provided additional input to Revision One to Decision 14 over the summer. Upon completion of Revision one to Decision 14, and at the request of States Parties, the Chair will re-open Decision 17 on specifications for recording media. The Chair assessed that, on the basis of a review of these submission, the working group's mandate would need to be extended into 2009. Belarus (Pavlov) as acting Plenary Chair, announced that he would prepare the required draft decision.

¶20. (U) Romania reported on the certification of its OS aircraft. Turkey announced it would hold an IR data gathering event from 13-14 November in Ankara with additional information to be provided in due course. The UK, Russia and Turkey all noted their intent to respect Georgia's request to avoid conducting observation flights over its territory. The UK and Turkey recognized that this meant the loss of a quota for 2008. Russia noted that perhaps the quota could be used later in 2008 or rolled into 2009. Georgia responded to say that it understood that the quota was used.

¶21. (U) During the IWGRP the Chair (Russia, Kozlov) noted the receipt of additional edits from the U.S. to the decision on Alternate Airfields, OSCC.RP/2/08/Rev.2. Belarus requested that the term "States Parties" be changed to "States Parties and groups of States Parties," as Belarus does not have an assigned POE. On the margins, Slovakia has indicated that they would like to discuss U.S. proposed

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edits. As a result, the Chair and Slovakia agreed that the U.S. should coordinate edits with Slovakia prior to the release of another revision.

¶22. (U) The next OSCC is scheduled for October 27. The next IWGRP is scheduled for October 6.
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